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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,006	09/22/2003	Shiying Zheng	85971JLT	1935

7590

05/02/2005

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EXAMINER

SCHILLING, RICHARD L

ART UNIT

PAPER NUMBER

1752

DATE MAILED: 05/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/668,006

Applicant(s)

Zheng et al

Examiner

PL Schilling

Group Art Unit

1752

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 4-11-05
- ☒ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1, 6 - 20, 22, 23 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☒ Claim(s) 1, 6 - 8 is/are allowed.
- ☒ Claim(s) 9-11, 13, 15, 22 is/are rejected.
- ☒ Claim(s) 12, 14, 16 - 20, 23 is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
  - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

1. Claims 9-11, 13, 15 and 22 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Quinn for the same reasons as set forth in item No. 1 of the first Office action filed February 4, 2005. Applicants' argument that the elements in Quinn are positive working and have at least two layers necessary for imaging while the instant claims are negative working and have a single layer necessary for imaging is unconvincing. The instant claims require a single heat sensitive imaging layer but do not exclude the presence of other layers. The elements in Quinn, with the photopolymerizable layers, comprise supports, inherently single heat sensitive layers comprising bisulfite adducts and photopolymerizable layers which elements would be negative working if imagewise exposed to heat instead of light. Also, the elements disclosed in Quinn include elements comprising supports and layers comprising bisulfite adducts and carbon black prior to coating the photopolymerizable layers. The bisulfite layers in Quinn are coated on supports and then dried prior to coating the photopolymerizable layers (see particularly column 7, lines 3-7; Examples 1, 3, 7, 8, 9). While the inherently heat sensitive elements in Quinn are intended to be overcoated with photopolymerizable layers instead of being thermally imaged, they still fully meet the material requirements of the heat sensitive

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imaging elements of the instant claims.

2. Claims 15 and 21 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. The terms  $R_1$ ,  $R_2$ ,  $R_3$ , M and n are undefined.

3. Claims 12, 14, 16-20 and 23 are objected to as depending on rejected claims but would be allowable if written in proper independent form.

4. **THIS ACTION IS MADE FINAL.** Applicants are reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE

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MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE  
STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM  
THE DATE OF THIS FINAL ACTION.

5. Any inquiry concerning this communication should be  
directed to Mr. Schilling at telephone number (571) 272-1335.

RLSchilling:cdc

April 28, 2005

RICHARD L. SCHILLING  
PRIMARY EXAMINER  
GROUP 468 1752

